IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELALTE SIDE

WRIT PETITION NO.6131 OF 2005

Shri Srikant B. Joshi. ...Petitioner.

Vs.

Smt. Shruti @ Rekha Srikant Joshi. ...Respondent

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Mr. Nitin Gangal with Mr.Ashish S. Naik for the Petitioner.
Mr. A. A. Garge for the Respondent.

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CORAM : DR. D.Y. CHANDRACHUD, J.

April 12, 2006.

P.C.:

The Civil Judge, Senior Division at Kalyan has allowed interim maintenance in the amount of Rs.2,500/- per month by his order dated 23rd June 2005. In the application that was filed by the Respondent before the Trial Court, it was averred in para 5 that the Petitioner is working in an organisation by the name of P.A.C.L. Insurance Services on a “high post and he is earning Rs.10,000/- per month”. In the reply there was only a bald denial of this averment. The Petitioner did not disclose his precise earning and no salary slip was produced before the Trial Court. Hence, in para 10 of the impugned order, the Learned Trial Judge was justified in

observing that there was no disclosure of the particulars of his income by the Petitioner. However, there was no denial of the fact that he was serving in PACL Insurance Services. Together with the present Petition, salary slips of August, October and November 2004 have now been annexed. This is not a genuine disclosure since the order of the Trial Court was passed on 23rd June 2005. The petition itself was filed before this Court in August 2005 and for reasons best known to the Petitioner, there is no disclosure of the salary slip of the month proximate to the date of the institution of the Petition. The contention of the Petitioner was that his mother and sister are dependent on him. The Trial Court has, however, noted that the Petitioner's sister has her own income from her occupation and his mother is drawing a family pension. In ground (d) of the petition, the Petitioner has stated that his mother is not drawing pension of Rs.5,000/- to Rs.6,000/- per month as stated by the Respondent, but to the extent of Rs.2200/- per month. Therefore, the fact that the Petitioner's mother is drawing family pension is admitted though the amount is stated to be Rs.2200/- per month. In my view, it was necessary for the petitioner to make a clear and candid disclosure of all the relevant facts which was not done. In these circumstances, the Learned Trial Judge

cannot be faulted in passing an order based on the available material before the Court. The order passed by the Learned Trial Judge and the quantum of maintenance cannot be regarded as disproportionate or such as would warrant the exercise of the supervisory jurisdiction of this court under Article 227 of the Constitution. There is no merit in the petition which is accordingly dismissed.

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